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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: December 16, 2014

+ (i) C.R.P. 313/2001

SUJATA AGARWAL ..... Petitioner

Through: Mr. Sukun K.S. Chandele, Advocate

versus

RAVI SHANKER ..... Respondent

Through: Mr. Sunil Mittal and Ms. Parul Malik, Advocates

+ (ii) C.R.P. 397/2001 & C.M.APPLNs.877/01, 7607/09 & 20561/14

RAVI SHANKAR AGGARWAL ..... Petitioner

Through: Mr. Sunil Mittal and Ms. Parul Malik, Advocates

versus

SUJIT AGARWAL ..... Respondent

Through: Mr. Sukun K.S. Chandele, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

% (ORAL)

The above captioned two petitions are directed against the common impugned order of 16th February, 2001 vide which trial court has disposed of application under Section 24 *the Hindu Marriage Act, 1955* filed by petitioner-wife and has granted maintenance at the rate of

₹25,000/- per month for the wife and the minor daughter alongwith litigation expenses of ₹15,000/-. Petitioner-wife as well as respondent-husband were aggrieved by the aforesaid impugned order of 16th February, 2001.

Since these two petitions arise out of common impugned order, therefore, they were heard together and by this common judgment, they are being disposed of.

The factual background of this case is not required to be reproduced for the reason that it already stands noticed in detail in the impugned order. Petitioner-wife had gone to the Apex Court against the order of 3rd October, 2008 of a co-ordinate Bench of this Court in CRP No.138/2008 titled *Sujata Aggarwal v. Ravi Shankar Aggarwal* and the said petition was disposed of by the Apex Court vide order of 22nd January, 2014 while observing as under: -

> *"Heard Ms. Malvika Rajkotia learned counsel appearing for petitioner in support of this special leave petition and Mr. Upadhyay learned counsel appearing on behalf of the respondent.*
>
> *This special leave petition has been filed against an order passed by the High Court of Delhi arising out of an interim order passed under Section 24 of the Hindu Marriage Act, 1955. The impugned order of the High Court was passed on 3rd October, 2008. The main Divorce Petition has been subsequently disposed of and an amount of Rs.30,000/- has been provided to the petitioner-wife and an amount of Rs.20,000/- for the daughter. Inasmuch as the*

main proceeding has been disposed of, we are not inclined to go into the order which was passed at an interim stage.

The special leave petition is disposed of accordingly."

Upon hearing and on perusal of the impugned order, I find that in the face of the afore-noticed Apex Court's order of 22nd January, 2014, these two petitions do not survive for consideration and are accordingly disposed of in terms of the order of 22nd January, 2014.

At this stage, learned counsel for petitioner-wife submits that respondent-husband is in arrears of maintenance. This is disputed by learned counsel for respondent-husband. Needless to say, if respondent-husband is in arrears of maintenance as determined in terms of aforesaid Apex Court's order, then petitioner-wife is at liberty to seek execution of above said Apex Court's order.

With aforesaid observations, the above captioned two petitions and the applications are disposed of.

(SUNIL GAUR)
JUDGE

DECEMBER 16, 2014
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